THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.26204 of 2006

DATED 27.12.2006

Between:

Konjeti Lakshminarayana. .... PETITIONER

versus

Nellore Municipal Corporation,
represented by its Commissioner,
Nellore, Nellore District
and three others. .... RESPONDENTS

WRIT PETITION NO.26204 of 2006

ORDER:

This Court ordered Notice Before Admission on 18.12.2004. Heard Sri V.Narayana Reddy, learned counsel representing the writ Petitioner, Sri S.Venkateswara Reddy, learned Standing Counsel representing the 1st respondent and Sri P.Sridhar Reddy, learned counsel representing respondents 3 and 4.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of respondents 1 and 2 in not taking any action on the representations dated 16.11.2005, 22.6.2006 and 16.9.2006 of the petitioner in respect of and against illegal construction and underground oil storage tank constructed by respondents 3 and 4 in Ward No.6, Assessment No.7050/1, door No.50, Pappula Street, Stonehousepet, Nellore, Nellore District, as the same is arbitrary, illegal and consequently direct the 1st respondent to act upon the representations dated 16.11.2005, 22.6.2006 and 16.9.2006 of the petitioner in accordance with GO Ms.No.423, Municipal Administration

and Urban Development (M1) Department, dated 31.7.1998 and pass such other suitable orders.

3. It is stated that the petitioner is the owner of the house at Pappula Street, Stonehousepet, Nellore, D.No.W-6-1-51, (Old Door No.W-6/57) vide registered sale deeds dated 26.7.1990 and 28.7.1990. It is also stated that in the month of August, 2005, respondents 3 and 4 dug a big pit and were constructing underground oil tank. It is also stated that the petitioner raised objections and questioning the inaction of the 1st respondent and filed Writ Petition No.23884 of 2005 and it is stated that the said Writ Petition was dismissed. It is also further stated that the petitioner gave a representation to the 1st respondent in August and October, 2005. The learned counsel also placed reliance on the judgments in M.SATYANARAYANA vs. BHIMAVARAM MUNICIPAL COUNCIL AND ANOTHER[1] and P.PHANINDRA BABU vs. GOVT. OF A.P. MUNICIPAL ADMINISTRATION AND OTHERS[2].

4. In view of the several facts and circumstances explained, this Court is of the considered opinion that the Writ Petition be disposed of directing the 1st respondent to consider the representations of the petitioner dated 16.11.2005, 22.6.2006 and 16.9.2006 in accordance with law, after putting the petitioner and respondents 3 and 4 on notice, receive objections, if any, which may be filed by respondents 3 and 4 in this regard and dispose of the same as expeditiously as possible preferably within a period of two (02) months from the date of receipt of a copy of this order.

5. With the direction indicated above, the Writ Petition is disposed of. No costs.

27.12.2006

SSR

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[1] 2006(6) ALT 117.

[2] 2005(6) ALT 603.